

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 10, 1952
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that the minutes of the previous meeting be approved. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

MRS. CHAS. SANDAHL, MR. SCOTTY MCGINNIS, MR. C. J. SMITH, MRS. LEWIS HATCH, and MRS. WILLIAM DRAKE appeared before the Council in the interest of the March of Dimes. MRS. DRAKE invited the members of the Council to be at the opening of the March of Dimes Booth at 9:00 A.M., Friday, January 11th. The Mayor stated the Council would do everything it could to help in the drive.

MRS. HORTON SMITH appeared in the interest of PAY-YOUR-POLL-TAX drive. The Mayor stated a proclamation had been signed for Pay-Your-Poll-Tax Week, January 20th to 26th, sponsored by the Junior Chamber of Commerce and by the League of Women's Voters. Councilman Long moved that the firemen be allowed to write poll taxes this year, as they had been very helpful before. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving lien, evidenced by Certificate of Special Assessment No. PC-479-466, dated July 19, 1951, on Lot U, 189.5 ft. by 239 ft. of the unplatted south one-half ($S\frac{1}{2}$) of Outlot 4, Division Z, in the City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property, by J. E. Whiteaker, the apparent owner thereof.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Mayor Drake brought up the following ordinance for its second reading:

AN ORDINANCE TO PREVENT THE ESCAPING, SPILLING, DROPPING, OR DISCHARGING OF LOOSE MATTER AND MATERIAL, SUBSTANCE OR OBJECTS FROM VEHICLES OR MOTOR VEHICLES BEING DRIVEN UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; REPEALING A CERTAIN ORDINANCE AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The ordinance was read the third time and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Frank Rundell is the Contractor for the alteration of a building located at 824 Congress Avenue and desires a portion of the sidewalk and street space abutting the east center part of Lots 5 and 6, Block 98, of

the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Frank Rundell, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue approximately 6 feet to a point; Thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 22 feet to a point thence in a westerly direction and at right angles to the centerline of Congress Avenue to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Frank Rundell, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall erect within the above described working space a solid fence built of, not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces for the delivery or removal of materials during construction work.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4). That "NO PARKING" signs shall be placed on the street side of the barricades.

(5). That the Contractor is permitted to construct a temporary working office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(6). That the Contractor shall in no way obstruct any fire plugs or

other public utilities in the construction of such barricades.

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9). That the Contractor shall remove all fences, barricades, loose material and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than March 1, 1952.

(10). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to

enter into a contract on behalf of the City of Austin with Dan Stathos, in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk, for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (Filed under SEWERS-Sanitary Contract File No.)

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with W. T. Saunders, in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (Filed under WATER MAIN EXTENSIONS - Contract No. 558-C)

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets of the City of Austin hereafter named, and said maps or plans have been considered by the City Council; Therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in MATTHEWS DRIVE, from a point 585 feet north of Windsor Road, northerly 558 feet, the centerline of which gas main shall be 5 feet east of and parallel to the west property line of said MATTHEWS DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in MATTHEWS DRIVE, from a point 1143 feet north of Windsor Road, easterly 35 feet, the centerline of which gas main shall be 12 feet south of and parallel to the north property line of said MATTHEWS DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in WALNUT STREET, from a point 448 feet south of East 34th Street, southerly 250 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said WALNUT STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in VALDEZ STREET, from a point 366 feet north of Felix Avenue, northerly 35 feet, the centerline of which gas main shall be 5.5 feet east of and parallel to the west property line of said VALDEZ STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in GONZALES STREET, from a point 180 feet East of Pedernales Street, easterly 293 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said GONZALES STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in TILLERY STREET, from a point 63 feet north of Lyons Road, southerly 544 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said TILLERY STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in CASTRO STREET, from Tillery Street westerly 1247 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said CASTRO STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in ROMERIA DRIVE, from Laird Drive westerly 216 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said ROMERIA DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Councilman White stated he had a party interested in leasing the Public Market space for a period of 20 years, at around \$400.00 a month. The City Manager stated several people had indicated to him their interest in leasing the location and that they wanted to know how long the lease would be. He asked the Council to say what they thought about it. The Mayor felt if the City found it necessary to cancel out a lease, it would have to refund a part of the cost and there should be a clause to set up the value and a depreciation schedule in the lease, in case the lease had to be cancelled; that is if a person put permanent improvements on this property, the City could pay him back something for it. Councilman MacCorkle thought there should be some cancellation feature. Councilman Long inquired about the employees of the Market. The City Manager stated two were retiring, and the other was being transferred. The part-time employee would be transferred if he so desired.

Councilman MacCorkle asked about the employees of the Welfare Department when the County took over that Department. The City Manager said two had been transferred, two had gone to work in the County Department, and plans were trying to be made to take care of the other two. Pension rights and vacation leave had been worked out for employees of the Welfare Division and the T. B. Sanatorium. Councilman Long asked about the Board, of the Sanatorium. The City Manager said it dissolved itself on December 31, and the activities of that Board had been assumed by the Brackenridge Hospital Board. He explained how this Board would function for the T. B. Hospital; how all original cases would be processed through Brackenridge Hospital, how the indigents would be cared for, etc. He commended the work of the former Board on the splendid things it had done, and he hoped a Ladies Auxiliary or group could be continued some way.

MR. A. B. ROSSEN asked what had been accomplished in the survey of the rest homes which he had requested be made a few months back. The City Manager reported on the matter stating the City ordinance incorporated the State requirements and in addition made inspections about twice a year as to the health and safety conditions. In addition to the two routine inspections, others might be made as reported by public health nurses when they found unusually bad conditions. The City Attorney reported on the two types of homes--those regulated by the State for old age recipients and those covered in the city ordinance, pertaining to convalescent homes. Councilman White asked if there were any specific locations which Mr. Rossen had in mind that were not up to standard. He did not list the locations. Councilman Long asked about the procedure of the City furnishing medicines for these people, and the City Manager explained how this was handled. The Mayor stated the Council could get a memorandum from Dr. Primer if he felt further investigations should be made.

The City Manager reported on the claim of Mrs. Minnie Bulian presented by her last week. Copies of the following memorandum were furnished Council members:

"Mrs. Bulian has submitted a list of grievances which she alleges against the City of Austin.

"1. In 1933 a group of residents west of Austin on the Bee Cave Road built an electric line in accordance with specifications of the City of Austin. This line was to supply electricity to the residents in that vicinity. An agreement was made with those residents that any additional customers that might be connected to the line would be required to make arrangements with the original resident owners by paying the sum of \$50. for that privilege. The City of Austin had no part in handling the finances in this arrangement.

In January, 1939, the City of Austin bought out this line, agreeing to pay these owners \$1,000. In accordance with their request, they gave us a list of the residents to whom this money should be paid. In accordance with that agreement, a check of \$34.70 was written to Mr. Bulian. Bulian, however, protested to us and to the group and would not accept the check. We still have this amount of credit to his account.

"2. The City did in no wise close any roads or streets. In fact, the road that Mrs. Bulian is referring to is still open in front of her home, but it was fenced off by the Rabbs just beyond so that access is not now possible to Barton Creek. This road is still in the County, and there is nothing that we can do about that.

"3. With reference to the matter of gravel and grading that was to be done as a consequence of taking gravel, I am unable to give any particular facts. The City had a contract with the Bulians for the purchase of gravel at so much per yard; however, there is not now with the City of Austin any of those who worked on this matter, and as a consequence we do not know any of the verbal understandings that are alleged to have been made.

"4. Mrs. Bulian has made repeated visits to the City Hall in the past year. I have personally discussed the matter of the electric line on many

occasions, and in each case she has been informed that that was the final agreement that was consummated with the original owners, and that there was nothing further that we could or would do about the line.

"5. Mrs. Bulian is in arrears with her taxes, which consist in the main of school taxes. She alleges that she would have paid these taxes had the City been willing to act upon her claim. To my knowledge she has never submitted a specific amount of what she considers a claim.

"As of December 31, 1951, the total of her taxes, interest, and penalty is \$534.00."

The Mayor stated the Council would let Mrs. Bulian know by next week by letter.

The City Manager presented the plan of widening West 5th Street, and explained the part the City would pay. The City Attorney explained that the City would pay 10% in this widening project. Councilman Long stated MRS. A. G. PESCHKA, 907 West 5th Street, and MRS. AGRELIUS, 905 W. 5th Street, had asked her to offer their objections. Councilman White also added the objections of MR. REINHARDT, 909 W. 5th Street.

Councilman MacCorkle then introduced the following ordinance, and moved that it be laid over for seven days:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF CERTAIN STREETS OR PORTIONS THEREOF IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE PROCEDURE PROVIDED BY ARTICLE XXIV OF THE CITY CHARTER AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT A PART OF THE COSTS SHALL BE BORNE BY THE CITY AND THAT A PART SHALL BE BORNE BY THE ABUTTING PROPERTIES AND THE OWNERS THEREOF, PROVIDING FOR THE ASSESSMENT OF THE PORTION OF THE COSTS TO BE BORNE BY PROPERTY OWNERS, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Mr. C. B. Smith commended the Council on its action on the widening of West 5th Street.

Public hearing on the zoning request of G. W. SEIDERS, 3025 Guadalupe, and additional property as recommended by the Zoning Board, for change of zoning from "C-1" to "C-2" was postponed until January 24th, 11:00 A.M.

Purasant to published notice thereof the following application for change of zoning was publicly heard:

V. A. CUNEO

3204 Red River St.

From "A" Residence
To "B" Residence
NOT Recommended by
the Zoning Board of
Adjustment. (12-10-51
and 12-17-51)

MR. HERMAN JONES represented the applicant, stating the Commercial zone on Red River, accross the street from this property, made it less desirable for development for residential property. MR. GIBSON RANDLE, represented MRS. PAT DOWNING, 816 E. 32nd. He brought out that the whole area was residential and developed with beautiful homes. He noted the letters of protest on file, by MR. G. C. KENYAN, HERBERT WEIGL; the petition of protest on file, signed by approximately 17 or 18 citizens, and noted a number of people were present to personally protest the change. DR. W. F. HAILE protested, stating that when the Slaughter property was zoned Commercial, it was thought there would be a store built immediately, but nothing has been done with that property, and that apparently shows no need for zoning other than residential. MR. FRED STEUSSY objected, as he had just completed building a home in an "A" Residence zone, and did not want any change in zoning. MR. V. C. SWENSON, 808 E. 32nd expressed opposition. MR. L. F. MONTIS stated this change of zoning would be a spot zone, and he was opposed to it. Dr. P. J. PARIS, MISS L. MAUDE NORMENT, and JOHN W. COKER, all opposed the change. After further discussion, the Mayor asked that all those who favored upholding the Zoning Board in its recommendation and denying the change to vote "Aye"; those opposed to vote "No". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The Mayor announced that the requested change had been denied.

Councilman White reported several complaints he had received about trash and garbage being thrown in back of the stores on Shoal Creek Boulevard in the community center on 12th and Shoal Creek. He stated someone was just dumping their garbage back there.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is now located in the City of Austin the Office of the Collector of Internal Revenue for the First District of Texas, and,

WHEREAS, such Office has been continuously located and situated in the City of Austin since the year 1865, and,

WHEREAS, such Office is a "going concern" employing more than five hundred (500) employees, the majority of whom are long-time residents of the City of Austin, and more than sixty-five per cent (65%) of whom own homes in the City of Austin, and,

WHEREAS, the City of Austin is centrally located in the State of Texas, both with reference to geography and to the distribution of population, and,

WHEREAS, the City of Austin is the seat of the government of the State of Texas and is the natural location for the Office of the Collector of Internal Revenue for any collection district or unit composed of the State of Texas, and,

WHEREAS, because of the above recited facts, it is the opinion of the City Council of the City of Austin, Texas, that it is to the advantage and best interests of the people of the State of Texas and of the people of the United States that an Office of the Collector of Internal Revenue for any district or unit composed of the State of Texas be located in the City of Austin, and,

WHEREAS, there is now before the Congress of the United States a plan for the reorganization of the Bureau of Internal Revenue, under which plan the now existing sixty-four (64) collection districts would be reorganized and consolidated into twenty-five (25) districts or units, and,

WHEREAS, the Austin Chamber of Commerce has formed a Committee for the purpose of taking active steps toward maintaining the Office of the Collector of Internal Revenue in the City of Austin, either under the present organization or under any plan of reorganization; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That the City Council of the City of Austin, Texas, join with and support the Austin Chamber of Commerce and its Committee in its efforts to maintain the location of an Office of the Collector of Internal Revenue in the City of Austin, whether its location in such City be under the present organization of the Bureau of Internal Revenue or under any plan for reorganization and consolidation of the collection districts; and that the City Clerk be directed to forward a copy of this Resolution to each United States Senator and each United States Representative from the State of Texas.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED:

W S Drace
Mayor

ATTEST:

Elin Mosley
City Clerk